



The Council of Parent Attorneys and Advocates, Inc.
A national voice for special education rights and advocacy

1-14-09

Yesterday our colleagues from the National Disability Rights Network (NDRN) published an investigative report entitled ["School is Not Supposed to Hurt: Investigative Report on Abusive Restraint and Seclusion in Schools."](#) The Council of Parent Attorneys and Advocates, Inc. (COPAA) joins NDRN and the Protection & Advocacy system in condemning the use of restraints and seclusion against students with disabilities. Federal legislation should be enacted and every available measure taken to stop the use of restraint, time-out or seclusion rooms, and all forms of dangerous, abusive, and aversive interventions in schools.

No child with a disability should be subjected to neglect, abuse, or physical harm in the name of treatment or under the guise of providing educational or therapeutic services. We applaud NDRN for investigating and reporting on this growing issue of national concern, and we urge immediate protection against such abuse. We thank Senator Dodd for his leadership on this important issue.

COPAA is a national voice for special education rights and advocacy. Our primary goal is to secure effective appropriate educational services for children with disabilities and to protect their educational and civil rights. COPAA has over 1100 members nationwide, including parents, advocates, and attorneys who see the successes and failures of special education through thousands of eyes every year.

Restraints, seclusion, and other aversive interventions have been used on children with disabilities under the guise of treatment in our nation's schools for far too long. There is no justification for continued use of these techniques. Their use is an outrage, not just a failure of treatment.

Sadly, we know that the reported cases represent only a fraction of the children subjected to abuse at the hands of those entrusted with their care. Just last week another victim was unfortunately added to the growing list of casualties. Seventeen (17) year old Faith Finley died in prone restraint, suffocating and choking on her own vomit. The 911 tapes are chilling¹. Listen to them and realize that they could have been a call from any school, in any city.

Every day children are brought to the ground and straddled, strapped or tied in chairs and beds. They are forced into locked isolation rooms. They are subjected to other aversive interventions. Such horrific actions continue to occur despite clear dangerous and deadly consequences; and despite increasing concerns regarding legality, morality, and efficacy. Every time child is held in restraint, forced into an isolated room, or subject to aversive treatments, the risk of injury, death or trauma is exceedingly high, much higher in fact than the alleged danger of their actions.

COPAA urges that all forms of abusive interventions against children with disabilities be stopped. We specifically join NDRN in the call for the following prohibitions in schools:

- prone restraints
- any other form of restraint except in situations in which the student poses a clear and present danger to themselves or others; and
- time-out seclusion rooms.

¹ http://blog.cleveland.com/metro/2009/01/teens_death_at_parmadale_ruled.html

In addition, COPAA calls for a prohibition on the use of any aversive behavior management technique and/or discipline management practice, i.e., any technique or practice that compromises the health and safety of the student and others and/or is calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities or rights.

Too often school personnel resort to abusive methods because they have not been thoroughly trained in and supported to use research-validated methods for promoting positive behavior change and crisis de-escalation. We have the tools to change this. All schools must implement programs of effective positive behavior supports, individually developed to meet the needs of each child. All staff must be trained in positive behavioral interventions. Leadership and monitoring must be put in place to ensure that positive, safe, and effective strategies are used.

We further emphasize the need to:

- Ensure that children receive effective positive behavior supports developed within a comprehensive, professionally-developed individualized plan of behavioral accommodations, supports, and interventions. To effectively reduce the use of restraints, seclusion, and aversive interventions it is essential that policy *require and define* the necessary elements of positive behavioral support interventions that reflect evidence-based practice.
- Require extensive training in and adequate oversight to ensure the proper use of research validated positive behavioral supports, crisis reduction and management and de-escalation techniques, and other best practices, for all individuals in educational settings, including School Resource Officers, who have contact with children.
- Require that restraints may be used in school settings to control acute or episodic aggressive behavior that pose a clear, present and imminent physical danger to the student. They must be applied by trained personnel; last only as long as necessary to resolve the actual risk of danger or harm, and the degree of force applied may not exceed what is necessary to protect the student or other persons from imminent injury.
- Establish a requirement for education officials at all levels to develop a plan to reduce restraint and seclusion that includes a public commitment, a strategy for workforce training, and the use of data to set outcome targets and monitor progress.
- Hold accountable school districts and their employees when abusive interventions are used. There must be mandatory reporting of each instance at local, state, and federal levels. If children are subjected to these wrongful interventions, their parents must have access to all available legal remedies. Enforcement is a critical part of deterrence.

The inappropriate and abusive use of restraints, seclusion and other aversive interventions in our nation's schools must stop. It is time to ensure the safety of all children.

COPAA's Declaration of Principles Opposing the Use of Restraints, Seclusion, and Aversive Interventions upon Children with Disabilities visit www.copaa.org.